

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**JOSE ANDRES SANTANA TORRES
JOHANNA LIZ SIERRA ACOSTA**

Debtor(s)

CASE NO. 24-01150-ESL

CHAPTER 13

MOTION TO DISMISS UNDER §1307(c)(6)

TO THE HONORABLE COURT:

Comes now, Creditor, **POPULAR AUTO LLC**, represented by the undersigned attorney and very respectfully states and prays as follows:

1. On **MARCH 21, 2024**, debtor(s) herein filed a bankruptcy petition under Chapter 13 of Title 11 of the United States Code.
2. Popular Auto is a creditor in the instant case pursuant to 11 USC §101 and therefore, a party in interest under the instant proceeding.
3. On **MAY 27, 2023**, debtor(s) subscribed with appearing creditor Auto Loan Agreement, contract no. 2850 regarding a **2023 NISSAN ROGUE**.
4. Debtor's(s') Chapter 13 Plan dated **MAY 9, 2024**, was confirmed on **MAY 22, 2024**. According to said plan, debtor(s) will pay directly to Popular Auto the post-petition payments of the vehicle described in averment number 3.
5. However, debtor(s) has(have) breached the aforementioned plan proposal since, as of today's date, debtor(s) shows **TWO (2) POST-PETITION ARREARS** on monthly installments

corresponding to the months of **JANUARY THROUGH FEBRUARY 2025** for a total amount due of **\$1,337.52.**¹

6. The situation explained above is effectively causing undue prejudice to Creditor's rights as a holder of a secured claim. Debtor(s) has(have) continued to operate and is at the present operating the vehicle, consequently causing depreciation in its value, and therefore, jeopardizing Popular Auto's interest over such property.

7. Therefore, according to 11 USC §1307(c)(6) debtor's(s') unreasonable delay which is prejudicial to Popular Auto, is sufficient also cause to warrant the dismissal of debtor's(s') bankruptcy petition.

"(c) Except as provided in subsection (e) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, for cause, including... (6) material default by the debtor with respect to a term of a confirmed plan."

WHEREFORE, Creditor, **POPULAR AUTO LLC**, respectfully requests from this Honorable Court that an order dismissing this case be entered for debtor's(s') failure to comply with the requirements of §1307(c)(6) of the Bankruptcy Code and grant any such other remedy it may deem just and proper.

NOTICE OF RESPONSE TIME

You are hereby notified of the filing of a **MOTION TO DISMISS** filed by **POPULAR AUTO LLC**, within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection

¹ In addition, debtors have accumulated \$133.66 in late fees.

or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

I CERTIFY: I hereby certify that today, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: **ROBERTO FIGUEROA CARRASQUILLO**, Attorney for debtor; to **JOSE RAMON CARRION MORALES**, Chapter 13 Trustee; and I hereby certify that I have mailed by the US Postal Service the document to the following non CM/ECF participant(s): **JOSE ANDRES SANTANA TORRES, URB SANTA JUANA II, B23 4 STREET, CAGUAS, PR 00725** and to all non CM/ECF participants interested as per mailing list which is hereby included.

NEGATIVE CERTIFICATION PURSUANT TO SECTION 201(B)(4) OF THE SERVICEMEN'S CIVIL RELIEF ACT OF 2003: I hereby declare according to the attached certification(s), provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as member(s) of the ARMY, NAVY, or AIR FORCES of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

Respectfully submitted in San Juan, Puerto Rico this 19th day February 2025.

Popular Auto LLC
Consumer Bankruptcy Department
PO Box 366818
San Juan, PR 00936-6818
Tel. (787)753-7849; Fax (787)751-7827

/S/ CARLOS E. PEREZ PASTRANA, ESQ.
USDC-208913
carlos.perezpastrana@popular.com



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-6969

Birth Date:

Last Name: SANTANA TORRES

First Name: JOSE

Middle Name: ANDRES

Status As Of: Feb-19-2025

Certificate ID: 3C1LHL813RB0YZM

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, Space Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Sam Yousefzadeh

Sam Yousefzadeh, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Alexandria, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#/faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-3256

Birth Date:

Last Name: SIERRA ACOSTA

First Name: JOHANNA

Middle Name: LIZ

Status As Of: Feb-19-2025

Certificate ID: RS2SK0N9QK95T40

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

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Sam Yousefzadeh

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Department of Defense - Manpower Data Center
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Label Matrix for local noticing

0104-3

Case 24-01150-ESL13

District of Puerto Rico

Old San Juan

Wed Feb 19 11:57:22 AST 2025

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CCU BANKRUPTCY DEPARTMENT

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by AIS InfoSource LP as agent
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Synchrony Bank/JC Penney
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Synchrony Bank/Sams
Attn: Bankruptcy
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SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO
PO BOX 186
CAGUAS, PR 00726-0186

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

ISLAND PORTFOLIO SERVICES LLC AS SERVICER OF
P O BOX 361110
SAN JUAN
SAN JUAN, PR 00936

Jefferson Capital Systems LLC
Po Box 7999
Saint Cloud MN 56302-9617

(d) Jefferson Capital Systems, LLC
PO Box 7999
St. Cloud, MN 56302-9617

MOHELA
Attn: Bankruptcy 633 Spirit Dr
Chesterfield, MO 63005-1243

PORFTOLIO RECOVERY ASSOCIATES, LLC
POB 41067
Norfolk, VA 23541

End of Label Matrix	
Mailable recipients	41
Bypassed recipients	0
Total	41